

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ERIK RODRIGUEZ §  
v. § CIVIL ACTION NO. 6:15cv532  
UNIVERSITY OF TEXAS HEALTH §  
SCIENCE CENTER, ET AL.

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ORDER DENYING PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

The Plaintiff Erik Rodriguez, an inmate of the Texas Department of Criminal Justice, Correctional Institutions Division proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Rodriguez filed a motion asking that the Court issue an injunction ordering the Defendants not to come in contact with him and that he be transferred away from the Coffield Unit to a different prison unit. After Rodriguez was transferred to the Ramsey I Unit, the magistrate judge issued a report recommending that Rodriguez's motion for injunctive relief be denied as moot. Rodriguez filed objections stating that his transfer to Ramsey was temporary and that he could be returned to the Coffield Unit. Since that time, Rodriguez has been transferred to the Stiles Unit. The online records of the Texas Department of Criminal Justice, Correctional Institutions Division confirm that Rodriguez remains at the Stiles Unit.

The magistrate judge correctly determined that Rodriguez's transfer away from the Coffield Unit rendered his request for injunctive relief moot. *Rocky v. King*, 900 F.2d 864, 867 (5th Cir.

1990). While it is true that Rodriguez could conceivably be transferred back to the Coffield Unit at some point in the future, the “capable of repetition yet evading review” exception to the mootness doctrine does not apply because he would be free to again seek injunctive relief from conditions at the Coffield Unit. *See Davis v. Federal Elections Commission*, 554 U.S. 724, 734, 128 S.Ct. 2759, 171 L.Ed.2d 737 (2008). Rodriguez’s objections are without merit.

The Court has conducted a careful *de novo* review of those portions of the magistrate judge’s proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. §636(b)(1) (district judge shall “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”) Upon such *de novo* review, the Court has determined that the report of the magistrate judge is correct and the Plaintiff’s objections are without merit. It is accordingly

**ORDERED** that the Plaintiff’s objections are overruled and the report of the magistrate judge (docket no. 17) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the Plaintiff’s motion for injunctive relief (docket no. 11) is **DENIED** as moot.

**SIGNED** this 10th day of March, 2016.



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE